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States, and it will doubtless one day be the same in Europe." With like dogmatism he asserts, "We know that in America the invasion of Chinese and Japanese, owing to the competition between them and the workers of the white race, has become a national calamity." Because of the menace of Chinese labor, he agrees with General Hamilton that it may be the destiny of the white race to disappear. "In my humble opinion," writes Hamilton, "this destiny depends upon one single factor: Shall we or shall we not have the good sense to close our ears to speeches which present war and preparation for war as a useless evil? I believe the workers must choose." As a safeguard "they must cultivate in their children the military ideal." All this to accent the alleged folly of the ideal of social equality! According to Le Bon, progress through legislative or institutional reform is a dream. He would doubtless agree with the privileged class in America that "you can't make people better by law." He speaks of the cruel "behaviour of the base populace so soon as imprudent hands have broken the network of constraints which binds its ancestral savagery." For "the great civilizations have only prospered by dominating their lower elements." The "struggle of the blind multitudes against the elect is one of the continuous facts of history, and the triumph of popular sovereignties without counterpoise has already marked the end of more than one civilization. The elect create; the plebs destroy."

Yet it is certain that the new humanism of our age, so much broader and deeper and nobler than the humanism of the fifteenth or any other century, is almost wholly the progressive creation of advancing democracy.

GEORGE ELLIOTT HOWARD.

*Zouche, Richard: Juris et Judicii Fecialis, sive, Juris inter Gentes et Quaestionum de Eodem Explicatio.* Edited by THOMAS ERSKINE HOLLAND. Vol. I—A Reproduction of the First Edition (1650), with portrait of Zouche, Introduction by Professor Holland. Pp. xvi, 204. Vol. II—A Translation of the Text, by J. L. Brierly. Pp. xvii, 186. (Washington, D. C.: Carnegie Institution, 1911.)

*Ayala, Balthazar: De Jure et Officiis Bellicis et Disciplina Militari.*

Edited by JOHN WESTLAKE. Vol. I—A Reproduction of the Edition of 1582, with portrait of Ayala, Introduction by Professor Westlake, etc. Pp. xxvii, 226. Vol. II—A Translation of the Text, by John Pawley Bate. Pp. xvi, 245. (Washington: Carnegie Institution, 1912.)

These two works, the first in the series Classics of International Law published by the Carnegie Institution, have brought to their service as editors two of the most eminent English publicists of the day, Holland and the lamented Westlake. The general plan of both works is the same. They begin with an editor's introduction, which includes a biographic sketch of the author, a summary of his writings in general and a detailed and somewhat critical account of the special work under review. Then follows a photographic reprint of an early edition of the work, and in a separate volume a translation of each. The scholarship of the translators, Mr. Brierly and Dr. Bate, merits special commendation.

The work of Zouche (1589–1660) is by far the more valuable and the author himself the more interesting of the two. One of the early holders of the Regius professorship of civil law at Oxford, he still found time for an active career at the bar and as judge of the admiralty, and his versatility as a writer is evidenced by sixteen different works (p. vii). The present work, generally known as his *Juris inter gentes* (1650) was the last of a series of monographs on law which he planned years before and carried into execution. It is notable for several reasons. Zouche, so Holland assures us (p. xiii) was the first to conceive of the topic of the law of nations as a whole—Grotius' treatment he believes to be too partial to war—and to subordinate war to its proper place as one of the remedies to vindicate the rights which nations enjoy in time of peace. Again, it was his great contribution to substitute the name *jus inter gentes* for the ambiguous *jus gentium*. Zouche's suggestion, through Jeremy Bentham, has become embodied in our modern term "international law." Vom Ompteda considers Zouche's work the first text-book of the whole law of nations, and Rivier regards him as the second founder of international law. Zouche made valuable use of the writings of his predecessors. The book itself follows a rigid division of subjects into persons, property, duties and wrongs, and in no respect adheres to our familiar divisions of peace and war and the well-known classifications. The work is not indexed, but a long table of contents facilitates its use. The

editor, in a paragraph or two, has related the subjects discussed to a division of peace and war.

Ayala (1548-1584) occupied an office comparable with that of "judge-advocate-general" of the armies of Philip of Spain. His book is an attempt to record certain rules of conduct (including the morals and ethics) of internal military discipline, of actual war and of incidental belligerent relations. His views reflect the reactionary spirit of the servitor of royalty of his time, e.g., rebellion is characterized as an abhorrence, comparable to heresy. The book is not a concise exposition like Zouche's, but consists of a collection of notes loosely thrown together into book form. The book at the present day has little more than a historical value. Grotius, although well acquainted with the book made but little use of it. Modern students will find it interesting as showing the wide difference between Ayala's harsh rules for the conduct of war and the modern humane principles and rules developed from Lieber's rules of 1863 and the conventions of Brussels, Geneva and the Hague. The work is divided into three books of which only the first deals actually with the rules of war and international law. This book takes up the moral causes of war, and then proceeds to the legal aspect. Book II is a treatise on the maxims of policy and prudence in the conduct of war and state craft in general; and Book III is concerned with military discipline and administration.

The present edition of these works is marked by a painstaking attention to style, form and general detail. The workmanship throughout is excellent.

EDWIN M. BORCHARD.

*La paix armée. L'Allemagne et La France en Europe* (1885-1894). By PIERRE ALBIN. (Paris: Félix Alcan, 1913.)

We are indebted to the *Bibliothèque d'histoire contemporaine* for a series of valuable monographs on recent political and diplomatic history. In the present volume the author offers us a careful study of the relations between France and Germany during the critical decade following the congress of Berlin. He undertakes to answer the several questions which he himself suggests as naturally coming to one's mind in reading the history of that period. How was it that the generally peaceful relations existing up to the year 1885 gave way to a situation at first of distrust, then of positive hostility? And further, how was it that, in spite of the violent recriminations of the press on either side, and of certain frontier incidents of an irritating character, peace was not actually broken between the two countries?